

Attorney Docket: 00216
09/749,825 Art Unit 2623 Examiner Saltarelli
Response to November 21, 2007 Office Action

REMARKS

In response to the Office Action mailed November 21, 2007, the Assignee respectfully requests entry of the above amendments and consideration of the following remarks. The Assignee respectfully submits that pending claims distinguish over the cited documents of record.

Claims 1 and 4-47 are currently pending in this application. Claims 2, 3, and 48-51 have been canceled without prejudice or disclaimer.

Telephone Interview

Examiner Saltarelli is thanked for the telephone interview of February 7, 2008. Examiner Saltarelli and Scott Zimmerman discussed the physical architecture of the independent claims. Examiner Saltarelli asked that this response include a citation to the support the three data bus architecture. The as-filed application expressly discusses these three different data buses at page 22, line 16 through page 23, line 8. Examiner Saltarelli said he would consider the claims and remarks when formally submitted. No agreement was reached.

Rejections under § 112

The Office rejected claims 1 and 30 under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement. "To comply with the written description requirement ..., each claim limitation must be expressly, implicitly, or inherently supported in the originally filed disclosure." Department of Commerce, Manual of Patent Examining Procedure § 2163 (II) (3) (b) (Rev. 1, Feb. 2003) (hereinafter "M.P.E.P.").

Independent claims 1 and 30 easily comply with the written description requirement. The as-filed specification is replete with passages explaining how each tuner/demodulator is connected to a different switch port. For some reason, the Office simply refuses to accept the

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express teachings of the as-filed application. Consider, for example, that support for such features may be found at least at:

page 6, line 20 through page 7, line 2 (explaining "in an embodiment having multiple tuner/demodulators, each tuner/demodulator can be coupled to a respective switch port of the Ethernet switch") (emphasis added);

page 10, lines 16-18; at page 12, lines 9-11; and

page 13, lines 4-20 (explaining "[m]oreover, when BMG 100 includes three tuner/demodulators, each tuner/demodulator can be coupled to a respective switch port of three switch ports of switch 101 such that each switch port receives one information signal") (emphasis added).

The Assignee, then, strongly asserts that claims 1 and 30 fully comply with the written description requirement of § 112. There is simply no credible basis for the Office to maintain a written description rejection of claims 1 and 30.

Rejection of Claims under § 103 (a)

The Office rejects claims 1, 5-6, 15-20, 22-25, 27-30, 32-34, 36-38, 40-41, and 44-46 under 35 U.S.C. § 103 (a) as being unpatentable over U.S. Patent 6,005,861 to Humpleman in view of U.S. Patent 6,493,875 to Eames, *et al.* and further in view of U.S. Patent 6,732,366 to Russo.

Claims 4 and 39 were rejected under 35 U.S.C. § 103 (a) as being obvious over *Humpleman*, *Eames*, and *Russo* and further in view of U.S. Patent 4,809,069 to Meyer.

The Office also rejects claims 7 and 42 under 35 U.S.C. § 103 (a) as being obvious over *Humpleman*, *Eames*, and *Russo* and further in view of U.S. Patent 5,768,527 to Zhu, *et al.*

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Claims 8-14, 21, and 43 were also rejected under 35 U.S.C. § 103 (a) as being obvious over *Humpleman*, *Eames*, and *Russo* and further in view of U.S. Patent 6,104,861 to Tsukagoshi and further in view of U.S. Patent 5,473,772 to Halliwell, *et al.*

The Office also rejects claims 26, 35, and 47 under 35 U.S.C. § 103 (a) as being obvious over *Humpleman*, *Eames*, and *Russo* and further in view of U.S. Patent 6,483,902 to Stewart, *et al.*

Claim 31 was also rejected under 35 U.S.C. § 103 (a) as being obvious over *Humpleman*, *Eames*, and *Russo* and further in view of U.S. Patent 6,154,206 to Ludtke.

All the pending claims, however, are not obvious over any combination of *Humpleman*, *Eames*, *Russo*, *Meyer*, *Zhu*, *Stewart*, and/or *Ludtke*. Any proposed combination of these documents still fails to teach or suggest all the claimed features. Independent claims 1, 30, and 36, for example, recite specific architectural features involving three different data buses. Independent claims 1 and 30, for example, recite “multiple tuners and demodulators connected to, and sending information signals to, a media bus” (emphasis added). Independent claims 1 and 30 also recite “a system data bus connected to the media bus and receiving the information signals” (emphasis added). Independent claims 1 and 30 also recite “a network bus connected to the system data bus and receiving the information signals” (emphasis added). Independent claims 1 and 30 also recite “the multiple tuners and demodulators connected to the system data bus that is connected to the network bus” (emphasis added). Independent claims 1 and 30 also recite “the system data bus connected to a third switch port of the data switch.” The as-filed application expressly discusses these three different data buses at page 22, line 16 through page 23, line 8. Independent claim 1 is reproduced below, and independent claims 30 and 36 recite similar features.

1. A system for providing digital entertainment data, the system comprising:

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multiple tuners and demodulators connected to, and sending information signals to, a media bus;

a system data bus connected to the media bus and receiving the information signals;

a network bus connected to the system data bus and receiving the information signals;

a data switch connected to the network bus, the data switch receiving the information signals and sending the information signals to a plurality of switch ports;

a mass storage device connected to the system data bus and storing the information signals;

each of the multiple tuners selecting a respective content item from a plurality of content items;

the multiple tuners and demodulators connected to the system data bus that is connected to the network bus, each of the multiple tuners and demodulators coupled to a different switch port of the data switch to send the information signals to the data switch; and

the system data bus connected to a third switch port of the data switch, the system data bus being shared amongst the multiple tuners and demodulators, wherein the multiple tuners and demodulators each share the system data bus to communicate information to the third switch port.

Any proposed combination of *Humpleman, Eames, Russo, Meyer, Zhu, Stewart*, and/or *Ludtke* fails to teach or suggest these architectural features. *Humpleman* and *Russo* have been previously discussed in great detail in the official record, so no further explanation is needed. As previous responses have explained, *Humpleman* and *Russo* fail to teach or suggest many of the features recited by independent claims 1, 30, and 36. The Office now cites the teachings of *Eames, Meyer, Zhu, Stewart*, and/or *Ludtke* to again allegedly obviate the claims.

Still, though, the proposed combination of *Humpleman, Eames, Russo, Meyer, Zhu, Stewart*, and/or *Ludtke* fails to teach or suggest the claimed architectural features. For example, the Office interprets *Humpleman* as teaching “multiple tuners and demodulators sending information signals to a media bus” and “a data switch connected to the network bus.” This interpretation, however, is mistaken. This interpretation fails to appreciate that the claimed “multiple tuners and demodulators” send information to a “media bus,” while the “data switch”

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is connected to a "network bus." That is, the claimed features recite two different buses. The Office's interpretation of *Humpleman*, however, utilizes a single bus, not two different buses, as the independent claims recite. The Office, for example, interprets *Humpleman's* network interface units as "*multiple tuners and demodulators sending information signals to a media bus*." That is, the Office interprets *Humpleman's* internal network 34 as the claimed "*media bus*." See Examiner Saltarelli, Office Action mailed November 21, 2007 at page 5, item 7. The Office also interprets *Humpleman's* switched hub 38 as "a data switch connected to the bus." *Id.* at page 5, item 7. This interpretation, however, misreads the claimed architecture. Independent claims 1 and 30 recite "*a data switch connected to the network bus*," not the media "bus," as interpreted by the Office (emphasis added). Independent claim 36 recites similar features. *Humpleman* explains that the switched hub 38 "forms part of the internal network 34." U.S. Patent 6,005,861 to *Humpleman* at column 4, lines 43-44. *Humpleman* clearly illustrates this architecture in FIGS. 2 and 3. Using the Office's terminology, then, *Humpleman* sends "information signals" to a "media bus," and *Humpleman's* switched hub is connected to the same "media bus." Independent claims 1 and 30, however, recite the "*data switch connected to the network bus*" (emphasis added). This is a different architecture than that disclosed and taught by *Humpleman*. For this reason alone, then, any combination of *Humpleman*, *Eames*, *Russo*, *Meyer*, *Zhu*, *Stewart*, and/or *Ludtke* fails to teach or suggest all the claimed features of independent claims 1 and 30. Independent claim 36 recites similar features and, thus, also cannot be obviated by any combination of *Humpleman*, *Eames*, *Russo*, *Meyer*, *Zhu*, *Stewart*, and/or *Ludtke*.

Moreover, the cited documents also fail to teach many other claimed features. Independent claim 1, for example, recites "*the tuners and demodulators connected to the system data bus that is connected to the network bus*." Any combination of *Humpleman*, *Eames*, *Russo*, *Meyer*, *Zhu*, *Stewart*, and/or *Ludtke* fails to disclose these features. The Office does not expressly state, but the Assignee assumes that *Humpleman's* network interface units are interpreted to include "*multiple tuners and demodulators*," as independent claims 1 and 30 recite. As the above paragraph explained, then, *Humpleman's* NIUs send "information signals" to a "media bus," and *Humpleman's* switched hub is connected to the same "media bus." Any combination of *Humpleman*, *Eames*, *Russo*, *Meyer*, *Zhu*, *Stewart*, and/or *Ludtke*, then, fails to

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disclose "*the tuners and demodulators connected to the system data bus that is connected to the network bus,*" as independent claims 1 and 30 recite. Independent claims 1, 30, and 36, then, cannot be obviated by any combination of *Humpleman, Eames, Russo, Meyer, Zhu, Stewart, and/or Ludtke*.

The pending claims, then, cannot be obvious over any combination of *Humpleman, Eames, Russo, Meyer, Zhu, Stewart, and/or Ludtke*. The Office's *prima facie* cases fail to teach or suggest all the claimed features of independent claims 1, 30, and 36. The dependent claims incorporate these same distinguishing features and recite additional features. One of ordinary skill in the art, then, would not think that claims 1 and 4-47 are obvious over any combination of *Humpleman, Eames, Russo, Meyer, Zhu, Stewart, and/or Ludtke*. The Office is thus respectfully requested to remove the § 103 (a) rejections of the pending claims.

If any questions arise, the Examiner is invited contact the undersigned at (919) 469-2629 or scott@scottzimmerman.com.

Respectfully submitted,



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